

The Honorable Judge Richard A. Jones

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

PRASANNA SANKARANARAYANAN, )

No. 24-cv-1745

Petitioner, )

vs. )

PETITIONER’S RESPONSE TO  
RESPONDENT’S MOTION TO COMPEL

DHIVYA SASHIDHAR, )

Respondent. )

Petitioner, Prasanna Sankaranarayanan (“Petitioner”), by and through undersigned counsel, hereby submits the following Response to Respondent’s Motion to Compel. [ECF No. 35].

**I. RELEVANT FACTS**

On October 14, 2020, Respondent removed A.S. from Singapore and brought him to Washington State. The parties are litigating in this Court, Respondent filed for divorce and custody in Washington State, Petitioner filed for divorce in India, and there are custody proceedings pending in Singapore.

On December 6, 2024, Respondent served a Request for Production (the “RFP”) on Petitioner. On December 17, 2024, Petitioner served a Response and Objections (the “Response”) on Respondent.

1 On December 30, 2024, on the eve of trial, Respondent filed a motion to compel. [ECF No.  
2 35]. The next day, the Court issued an order granting her motion and limiting some of the Requests  
3 for Production (“RFPs”) at issue. [ECF No. 36]. On January 1, 2025, Petitioner emailed the Court  
4 advising that he intended to file the instant opposition. Petitioner asks that the Court review this  
5 submission and amend its order.

6 RFP 7 requested “All of your Singapore, United States, and India banking, investment,  
7 and/or trust records from the past two years.”

8 RFP 10 requested “All documents or communications to or from third parties, including  
9 mutual or individual friends with knowledge of the situation as it relates to this matter, advocating  
10 for the position of either party.”

11 RFP NO. 22 requested, “All communications or correspondence to or from your lawyer  
12 that was forwarded to any other person, other than your lawyer from October 1, 2024 to present.”

13 RFP NO. 23 requested, “Any communications or correspondence that you sent to your  
14 lawyer and cc'd or bcc'd any person other than your lawyer from October 1, 2024 to present.”

15 After Respondent abducted A.S., Petitioner started a group WhatsApp chat with his Hague  
16 lawyers, Washington lawyers, Singapore lawyers, and Indian lawyers. Petitioner’s brother, who  
17 was helping him navigate the various issues caused by the abduction and breakdown of the parties’  
18 marriage, was included in the group chat for a period of time. Petitioner never intended to breach  
19 attorney-client privilege, as Petitioner’s brother was acting in his interests, and these  
20 communications should not be disclosed to Respondent.

21 Further, Petitioner seeks clarification from the Court as to RFP Nos. 22 and 23, as “your  
22 lawyer” could conceivably apply to any of Petitioner’s lawyers in the various pending actions in  
23 Washington, Singapore, India, and before this Court. Petitioner seeks to limit the communications  
24 required to be produced to those involving counsel in this proceeding and not those between  
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1 Petitioner and his other attorneys, which would not be relevant to these proceedings and should be  
2 outside the scope of any disclosure.

3 With respect to the deposition of Petitioner, it was noted in the meet and confer that the  
4 proposed time for his deposition on December 30, 2024 may not be suitable. That was confirmed  
5 by email on December 29, 2024 at 7:54am to Respondent's counsel, which went ignored until a  
6 follow up email was sent on December 30, 2024 at 8:38am, to which a response was received  
7 finally at 11:08am.  
8

9 For all other depositions, including that of Respondent, Respondent's mother and Dr.  
10 Poppleton, counsel discussed and mutually agreed upon times that worked for the deponents  
11 regardless of the days and times noted on the notices. That Respondent was unwilling to even  
12 engage in discussions regarding the timing of Petitioner's deposition was the sole reason it did not  
13 go forward as noticed. Petitioner had suggested he could be available on December 31, 2024 at a  
14 mutually agreeable time. Respondent could easily have avoided part of their motion practice by  
15 simply engaging in the same discussions that had resulted in the scheduling of all prior depositions  
16 in this matter.  
17

## 18 **II. ARGUMENT**

### 19 **A. RFP 7**

20 Petitioner produced documents responsive to this Request on December 29, 2024 after the  
21 parties' meet and confer on December 27, 2024. A catalogue of the documents produced is  
22 attached at Exhibit A. There is no reasonable, good faith reason for Respondent to seek an in-depth  
23 accounting of trust accounts and Respondent is engaging in a fishing expedition. For context,  
24 Respondent filed a divorce case in Washington State court prior to abducting A.S.  
25

26 Habitual residence is the only relevant issue to which financial information could potentially  
27 be tangentially related to. This inquiry revolves around the child, not the parents. To that point, the  
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1 Supreme Court described some of the considerations in assessing habitual residence in *Monasky*  
2 *v. Taglieri*, 589 U.S. 68 (2020).

3 These include “a change in geography combined with the passage of an appreciable period  
4 of time,” “age of the child,” “immigration status of child and parent,” “academic activities,” “social  
5 engagements,” “participation in sports programs and excursions,” “meaningful connections with  
6 the people and places in the child's new country,” “language proficiency,” and “location of  
7 personal belongings.” *Id.* at 78.

8  
9 Petitioner’s financial assets should not be a relevant part of the inquiry. To the extent that  
10 any financial information is relevant, that would be the location of bank accounts if the child was  
11 an infant and incapable of acclimatizing. *Id.* at 88. A.S. is not an infant, which should all but  
12 eliminate the relevance of Petitioner’s financial assets. Notwithstanding, Petitioner did turn over a  
13 substantial amount of financial information, including all of his bank statements and all of his  
14 investment accounts.

15  
16 Respondent seeks “trust records” which are not relevant to this proceeding and is  
17 information that Respondent should not be entitled to. Respondent did not cite to any authority  
18 that contents of a trust accounts are relevant factor to a Hague case. To the extent its relevant, the  
19 location of the trusts – like the location of bank accounts – is the only relevant information and  
20 any information produced should be limited to the location of the trust.<sup>1</sup> RFP NO. 7 seeks “All of  
21 your Singapore, United States, and India banking, investment, and/or trust records from the past  
22 two years.”

23  
24 Petitioner does not and has not owned any trust accounts in the United States, Singapore, or  
25 India over the past two years. He is aware of one current trust account settled by his brother in the

26  
27 <sup>1</sup> To this end, in the meet and confer held on December 27, 2024, Respondent’s counsel  
28 clearly indicated that they were only concerned with the location of any trust accounts, not the  
manner in which they were created.

1 United States which he testified about in his deposition and is not relevant to these proceedings.  
2 As such, Petitioner has no relevant documents that are responsive to RFP NO. 7 and objects to any  
3 questioning or requests for production related to any non-relevant trust accounts beyond the  
4 location of any trust accounts he has knowledge of.

5 B. Petitioner Should Not Be Required to Produce Privileged Communications

6 This Court has considerable discretion over discovery, particularly so in a Hague  
7 Convention case as “Specifically, neither the Convention nor ICARA, nor any other law of which  
8 we are aware including the Due Process Clause of the Fifth Amendment, requires ‘that discovery  
9 be allowed or that an evidentiary hearing be conducted’ as a matter of right in cases arising under  
10 the Convention.” *West v. Dobrev*, 735 F.3d 921, 929 (10th Cir. 2013) (quoting *March v. Levine*,  
11 249 F.3d 462, 474 (6th Cir. 2001).  
12

13 Given the Court’s wide latitude over this issue, it should not prejudice Petitioner by forcing  
14 him to disclose substantial communications with his attorneys because his brother, who did not  
15 participate in said communications, was a member of a group chat with Petitioner’s legal team.  
16

17 Petitioner further notes that he will provide a declaration regarding the lack of any other  
18 communications as ordered by the Court in response to RFP NO. 10.

19 i. Petitioner’s Brother is the Equivalent of an Agent

20 The attorney-client privilege protects confidential communications between attorneys and  
21 clients, which are made for the purpose of giving legal advice. *Upjohn Co. v. United States*, 449  
22 U.S. 383, 389 (1981). The attorney-client privilege may extend to communications with third  
23 parties with third parties “acting as agent” of the client. *United States v. Landof*, 591 F.2d 36, 39  
24 (9th Cir. 1978).  
25

26 Here, Petitioner’s brother was acting in the equivalent capacity of an agent. This proceeding  
27 involves a family dispute and is extremely emotionally charged for the litigants. Petitioner having  
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1 his brother to potentially aid in strategy and being on a text message chain with counsel should not  
2 warrant a waiver of attorney-client privilege.

3 ii. The Common Interest Protection applies

4 The “common interest” protection, is an exception to the rule that disclosure of an attorney-  
5 client communication to a third party destroys the confidentiality and thereby waives the privilege.  
6 *Nidec*, 249 F.R.D. at 578. The Ninth Circuit has recognized that the purpose of this privilege is to  
7 allow persons with a common interest to “communicate with their respective attorneys and with  
8 each other to more effectively prosecute or defend their claims.” *United States v. Gonzalez*, 669  
9 F.3d 974, 978 (9th Cir. 2012) (quoting *In re Grand Jury Subpoena*, 902 F.2d 244, 249 (4th Cir.  
10 1990)). However, this is not “a separate privilege.” *Pac. Pictures*, 679 F.3d at 1129. Instead, it is  
11 an extension of the attorney-client privilege, *Gonzalez*, 669 F.3d at 978, that saves an otherwise  
12 waived privileged communication only where the communication is shared with the third party to  
13 further a matter of common legal interest, and the privilege itself has not otherwise been waived  
14 by the party who made the communication. *Nidec*, 249 F.R.D. at 578-80. The common interest  
15 exception “applies where (1) the communication is made by separate parties in the course of a  
16 matter of common interest; (2) the communication is designed to further that effort; and (3) the  
17 privilege has not been waived.” *United States v. Bergonzi*, 216 F.R.D. 487, 495 (N.D. Cal. 2003).

18 Here, Petitioner and his brother share a common interest in returning their family member  
19 A.S. to his habitual residence. Petitioner and his immediate family member being involved in  
20 communications with counsel was due to a shared interest. Therefore, having Petitioner’s brother  
21 on the group chats did not waive privilege. Further, Petitioner’s brother has a potential legal  
22 interest in the trust assets Respondent seeks disclosure on. This further puts him in common  
23 interest with Petitioner.  
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